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MONTANA LEGISLATIVE HISTORY

Chapter 434 Session L 1977
Bill House 330 Senate _____

History and final status sheet NA
Introduced bill X
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Public Health Welfa
Hearing date(s)* 2-1 _____ _____ _____

Executive action (vote) date(s)* 2-1
Comm. Report NA
Floor 2nd reading & vote 2-5; 4-11
Floor 3rd reading & vote 2-9; 4-11

Senate Committee on Public Health Welfa
Hearing date(s)* 3-12 3-15 3-17

Executive action (vote) date(s)* 3-17
Comm. Report 3-17
Floor 2nd reading & vote 3-19; 3-22
Floor 3rd reading & vote 3-25

Conference or Free Conference Comm. _____ Yes X No
Hearing date(s)* _____
Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? _____ Yes X No
Committee _____ Report _____

NOTES: By Request of Department of Social & Rehabilitation Services

"An Act to Establish a Program of Subsidies for the Adoption of Hard-to-Place Children"

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Compiled by: rg
Date: 4-5-2017

PUBLIC ~~HEALTH WELFARE & SAFETY~~ COMMITTEE

~~45th~~ Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 286	MONTANA DRUG PRODUCT SELECTION ACT.	1/20/77	Palmer, Hansen, et al	HEARD BY PROBLEMS OF THE ELDERLY SUBCOMM.	DO PASS AS AMENDED	2/22/77
HB 300	TO GENERALLY REVISE THE LAWS RELATING TO LICENSURE OF RADIOLOGIC TECHNOLOGISTS.	1/20/77	J. Gunderson	2/3/77	DO NOT PASS AS AMENDED DO PASS AS AMENDED	2/17/77 2/23/77
HB 301	TO REQUIRE THAT A VETERINARIAN ACTIVELY ENGAGED IN THE PRODUCTION OF LIVESTOCK OR OTHER AG. COMMODITIES BE PLACED ON BOARD OF HEALTH.	1/20/77	Ellerd, Davis, et al	2/22/77	DO PASS AS AMENDED	2/22/77
HB 303	TO REQUIRE THE BD. OF MED. EXAMINERS TO ISSUE A LIMITED LICENSE TO A PHYSICIAN CURRENTLY EMPLOYED BY A STATE INSTITUTION.	1/20/77	Menahan	2/10/77	DO NOT PASS	2/22/77
HB 307	TO REMOVE THE STATUTORY QUALIFICATIONS FOR THE DIR. OF HEALTH & ENVIRONMENTAL SCIENCES.	1/20/77	Menahan	2/3/77	DO PASS AS AMENDED	2/17/77
HB 330	TO ESTABLISH A PROGRAM OF SUBSIDIES FOR THE ADOPTION OF HARD-TO-PLACE CHILDREN.	1/21/77	Kessler, Bardanouve, et al	2/1/77	DO PASS	2/1/77

EXHIBIT NO. 2

LC 0764/01

Cooney H BILL NO. 330

INTRODUCED BY Kelly Addison Vincent Lynch

Kitzenberg J. Anderson BY REQUEST OF Teague Robinson Fratt

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROGRAM OF SUBSIDIES FOR THE ADOPTION OF HARD-TO-PLACE CHILDREN; AND REPEALING SECTIONS 71-1801 THROUGH 71-1805, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This act may be cited as "The Subsidized Adoption Act of 1977".

Section 2. Purpose. The purpose of this act is to encourage and promote the adoption of children who are hard to place by providing information and assistance in completing the adoption process and financial assistance when necessary to ensure the health and welfare of the hard-to-place child.

Section 3. Definitions. As used in this chapter, the following definitions apply:

(1) "Department" means the department of social and rehabilitation services.

(2) "Hard-to-place child" means a minor as defined by 64-101, who is a dependent of a public or voluntary licensed child-placing agency, legally free for adoption, and is not likely to be adopted because of:

(a) physical or mental disease or disability;

(b) recognized high risk of physical or mental disease or disability; or

(c) sibling relationship to another child who is eligible for adoption.

Section 4. Power and duties of the department. (1) The department shall establish, administer, and regulate a continuing program of subsidized adoption.

(2) The department shall keep such records as are necessary to evaluate the program in terms of the number of children adopted under the program, the cost of the program, and any other pertinent information.

(3) The department may adopt rules necessary for the proper administration of this act.

Section 5. Certification and eligibility. (1) Whenever the conditions of [section 3] are found to exist and the foster parents seek to adopt the child, the child shall be certified as hard to place.

(2) In all other cases in which the conditions of [section 3] are found to exist and after reasonable efforts have been made and no appropriate adoptive family without the use of subsidy has been found for a child, the department shall certify the child as hard to place.

(3) If the child is the dependent of a voluntary

licensed child-placing agency, that agency shall present to the department evidence of inability to place the child for adoption due to any of the conditions specified in [section 3]. The agency shall present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of potential parents, use of adoption resource exchanges, and referral to appropriate specialized adoption agencies. Upon such a showing, the department shall certify the child as hard to place.

(4) Any family which applies for an adoption subsidy and which is approved by the department as a suitable adoptive family and which is or may be financially unable to meet the special needs of a hard-to-place child as determined by the department and which adopts a hard-to-place child is eligible for subsidy regardless of the domicile or residence of the family at the time of application for adoption, placement, legal decree of adoption, or thereafter.

Section 6. Subsidy agreement. (1) When parents are approved for adoption of a child certified as hard to place and before the final decree of adoption is issued, there shall be a written agreement between the family entering into the subsidized adoption and the department. The terms of the adoption subsidy agreement may commence with the adoption placement or at an appropriate time after the

adoption decree.

(2) The amount and duration and scope of the subsidy may vary with the special needs of the child as well as the availability of other resources, including those of the adoptive parents, to meet these needs. The subsidy may be for services only or for the money payments, but in no case may the amount of the subsidy exceed that which would be allowable for such child under foster family care or, in the case of a medical service, the reasonable fee for the service rendered. The subsidy agreement shall continue in accordance with its terms for as long as the adopted child is the legal dependent of the adoptive parents and the child's condition continues or until the child reaches majority, except that, in the absence of other appropriate resources provided by law and in accordance with rules adopted by the department, it may be continued after the adopted child reaches majority. Termination or modification of the subsidy agreement may be requested by the adoptive parents or the department at any time.

(3) When subsidies are for more than 1 year, the adoptive parents shall present an annual sworn certificate that the adopted child remains under their care and the condition that caused the child to be certified continues to exist.

(4) All records regarding subsidized adoption shall be

confidential and may be disclosed only in accordance with the provisions of 61-209.

Section 7. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

Section 8. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Repealer. Sections 71-1801 through 71-1805, R.C.M. 1947, are repealed.

-End-

005

Tuesday, February 1, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, February 1, 1977 on adjournment of the House, in Room 431 of the State Capitol. All members were present with the exception of Representative Jensen, who was excused.

The first bill to be heard was HOUSE BILL 219, sponsored by Representative Conroy. This bill would provide that in order for a physician to obtain sample drugs, a written request would have to be filled out by the physician involved. It was pointed out that the previous session's HB 239 was killed in the Senate, because doctors had felt that it was too stringent. The sponsor feels that there is still a real need to get some kind of handle on the distribution of sample drugs. An article was passed out to the committee entitled "How Doctors Feel About Detailmen", see copy. Rod Gudgel, Montana State Pharmacy Association, spoke, stressing that this bill was completely different from last session's. Jerry T. Loendorf, Montana Medical Association, then presented some amendments and also a sample request form, which the doctors would be using; see copies. Representative Conroy then closed with the statement that in the past many pharmicists received drugs that they then had to dispose of because they were unwanted - this bill would curtail that.

There were no opponents to HOUSE BILL 219.

The next bill to be heard was HOUSE BILL 330, sponsored by Representative Kessler; the Subsidized Adoption Act. This bill, which was at the request of the Department of SRS, would provide for state subsidies for parents who adopted hard-to-place children. This is 'enabling legislation'. This funding is included as a line item in the Department of SRS's budget. Pat Melby, Director of SRS, then spoke. This bill's passage would have a small impact on the general fund; however, the expenditure has been recommended for approval in the budget by the fiscal analyst. Norma Cutone, Chief of the Social Services Bureau, Department of SRS, spoke in favor of the bill. Jessie Schlinger then spoke as a foster parent of ten years' and had adopted five hard-to-place children. They need help if they are going to take any more. The parents with the love and the homes to offer these children don't always have the income. Judy Gardner, a pre-adoptive parent, told how they had discovered their child had cerebral palsy after they had adopted her. Although they wouldn't have refused the child because of this, they feel that financial aid is justified. Mary A. Campbell spoke in favor of the bill. She and her husband want to take more than the three they have, but they don't have the money. John C. Lombardi, a foster parent of seven years, pointed out that this bill would reduce the costs to foster care. Gail Alexander, a foster parent, an adoptive parent, and also an adopted person himself, spoke. Some children remain in Foster Care until they

reach the age of majority because nobody can afford to adopt them. 50-75 children are available for adoption, but are handicapped. Sally Cook, a foster parent from Ronan, stressed that there were many children yet to come who would benefit from this legislation. Pat Pomeroy, a member of the Foster Parents Organization, and a pre-adoptive parent, stated her support of the previous testimony. Mr. Alan Rainey, a foster parent of three, stated that these children, because of their handicaps, will possibly be adopted out of the state, in a state where subsidized adoptions take place. Louis C. Burke, Confederated Salish & Kootenai Tribes, Flathead Reservation, spoke in support of the measure.

There were no opponents to HB 330. The sponsor closed. Questions followed. Mr. Melby explained that when the bill had first came to his attention, it had two other criteria in it and he requested that they be removed. Included in the definition were the terms 'age' and 'ethnic background'. He felt that this might lend itself to discrimination against the white child. The medical subsidies would provide $25 a month less than Foster Care does. The hearing was then closed.

HOUSE BILL 236 was then considered. The sponsor Representative Harper explained that the bill seeks to accomplish two purposes: (1) it authorizes the Department of Health to recover some of the costs for tests done in its lab division; (2) it gives the Department standing in court. Steve Brown, Chief Legal Counsel for the Health Department, supported the bill. Dr. David B. Lackman from the Department of Health then spoke. At present one has to prove "irreparable harm". When a public water supply is being considered, it is difficult to prove this, unless the Department waits for someone to get sick. Under this bill if they could prove that the law had been violated it would be sufficient. Dr. Lackman left with the committee several copies of a table showing charges for laboratory services in other states, see copy. He also pointed out that there were several tests that couldn't be performed in the private sector, but were of more benefit to the patient than to public health. The Department at present has no specific plans to charge for these tests, but it needs the general authority to charge when the occasion does arise. There were no other proponents. There were no opponents. There were no questions.

HOUSE BILL 215, which had been scheduled for hearing, had in the meantime been rereferred to the Taxation Committee.

The committee went into executive session and considered the following bills:

Representative Kimble moved and it was seconded that HOUSE BILL 236 DO PASS. Motion carried with Representatives Stobie and Gould opposed.

Representative Palmer moved, and it was seconded that HOUSE BILL 330 DO PASS. Motion carried unanimously.

Total 23

Excused: Brand, Conroy, Dussault, Kennerly.
Total 4

Absent or not voting: None.
Total 0

House Bill No. 289 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtso Bertelsen, Bradley, Burnett, Colburn, Cooney, Courtney, Cox, Curti Dassinger, Davis, Day, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudai Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirs Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Ken Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lyn McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mul Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramir Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smi South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uh Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, M Speaker.
Total 96

Noes: None.
Total 0

Excused: Brand, Conroy, Dussault, Kennerly.
Total 4

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Bradley moved that the House resolve itself into a Committee of Whole, for the consideration of business on Second Reading, under rules of the previous sitting. Motion carried.

Keyser in the Chair. Committee arose. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under sideration business on Second Reading, recommend as follows:

That HB 330 do pass. (94-0)

That HB 347 do pass. (93-0)

That HB 364 do pass. (94-0)

That HB 379 be amended as follows: (89-1)

1. Amend title, lines 9 and 10.
Following: "(assessed)"
Strike: "taxed"
Insert: "assessed"

2. Amend page 3, section 2, subsection (E), lines 6 through 8.
Following: line 5
Strike: "(E) campers, truck canopy covers, or toppers which required by subdivision 4 hereof to be assessed as of the first of January."

800

3. Amend page 3, section 2, subsection (F), line 9.
Following: "((f) (e)) (F)"
Strike: "(F)"
Insert: "(e)"

4. Amend page 3, section 2, subsection (2), lines 22 and 23.
Following: line 22
Strike: "taxed"
Insert: "assessed"

5. Amend page 5, section 2, subsection (4), lines 10 through 17.
Following: line 9
Strike: lines 10 through 17 in their entirety

6. Amend page 5, section 2, subsection (5), line 18.
Following: "((5) (4)) (5)"
Strike: "(5)"
Insert: "(4)" (89-1)

(Material in parentheses denotes cancelled type.)

And as amended, do pass. (86-10)

That HB 404 do pass. (80-7)

That HB 406 do pass. (56-36)

That HB 448 be amended as follows:

1. Amend title, page 1, line 9.
Following: "sections"
Strike: "75-6513"
Insert: "75-6512" (86-2)

And as amended, do pass. (83-11)

That HB 468 do pass. (93-1)

That HB 551 do pass. (93-0)

That HB 586 do pass. (87-8)

That HJR 4 do pass. (95-0)

That SB 9 be passed for the day.

That HB 444 be passed until the 31st Legislative Day.

That SB 35 be concurred in. (91-0)

That HB 204 do pass. (50-47)

That HB 174 be amended as follows:

1. Amend page 1, section 2, lines 12 and 13.
Strike: "protect the health and atmospheric environment of nonsmokers and to"

2. Amend page 1, section 3, subsection (2), line 19.
Following: "means a"
Insert: "public transportation vehicle or a"

3. Amend page 1, section 3, subsection (2), line 22 through line 11 on page 2.
Following: "persons"
Strike: line 22 on page 1 through the word "public" on line 11 on page 2 in their entirety

3rd Reading

Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 96

Noes: Smith.
Total 1

Excused: Meyer.
Total 1

Absent or not voting: Cox, Hurwitz.
Total 2

On motion by Bardanouve, consideration of HB 217 was passed for the day.

House Bill No. 304 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 97

Noes: Burnett.
Total 1

Excused: Meyer.
Total 1

Absent or not voting: Severson.
Total 1

House Bill No. 309 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 98

Noes: Brand.
Total 1

Excused: Meyer.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 314 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: Meyer.
Total 1

Absent or not voting: Harrington, Severson.
Total 2

House Bill No. 330 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Meyer.
Total 1

Absent or not voting: Ellison, Harrington, Kimble.

600

Total 3

House Bill No. 347 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Meyer.
Total 1

Absent or not voting: Estenson, Harrington, O'Keefe.
Total 3

House Bill No. 364 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: Meyer.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 379 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Barrett, Bengtson, Bertelsen, Bradley, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Moore, Mular, O'Connell, O'Keefe, Palmer, Pistoria, Porter,

uilici, Ramirez, Robbins, Roth, Ryan, Seifert, Severson, Shelden, vertsen, South, Staigmiller, Teague, Tower, Tropila, Turner, Uhde, derdal, Vincent, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
tal 88

oes: Bardanouve, Brand, Ernst, Huennekens, Kessler, Keyser, Nathe, ith, Stobie, Vinger.
tal 10

cused: Meyer.
tal 1

sent or not voting: Scully.
tal 1

ouse Bill No. 404 was passed by the following vote:

es: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, rtelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, x, Curtiss, Dassinger, Davis, Day, Dussault, Ellerd, Ellis, Ellison, nst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gerke, Gilligan, uld, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, rrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, nduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, n, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, tcalf, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, ter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Severson, Shelden, rtsen, Smith, South, Staigmiller, Teague, Tower, Tropila, Turner, derdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. aker.
al 96

s: Seifert, Stobie, Uhde.
al 3

used: Meyer.
al 1

ent or not voting: None.
al 0

e Bill No. 406 was passed by the following vote:

s: R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, dley, Brand, Colburn, Conroy, Cooney, Courtney, Dassinger, Davis, , Dussault, Ellerd, Ellis, Ernst, Estenson, Eudaily, Fabrega, Fagg, es, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, d, Hansen, Harper, Harrington, Holmes, Huennekens, Hurwitz, sen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, alen, Lien, Lory, Lynch, Marks, Meloy, Menahan, Metcalf, Mular, onnell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, n, Seifert, Severson, Shelden, Sivertsen, Teague, Tower, Tropila, ner, Uhde, Vincent, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
l 78

: Aageson, Burnett, Cox, Curtiss, Ellison, Feda, Hirsch, Kropp, Lund, ane, Manuel, Moore, Nathe, Roth, Scully, Smith, South, Staigmiller, e, Underdal, Vinger.
l 21

ed: Meyer.
l 1.

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45th LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

HOUSE BILL NO.	ENTERED COMM. 1977	DATE CONSIDERED 1977	OUT OF COMM. 1977	DO NOT DATE 1977	DO NOT PASS DATE 1977	DO PASS AS AMEND. DATE 1977	BE CONCURRED IN DATE 1977	BE CONC. IN AS AMENDED DATE 1977	BE NOT CONCURRED IN DATE 1977
30	Feb. 2	Feb. 24	Feb. 24				Feb. 24		
173	Jan. 29	Mar. 3	Mar. 3				Mar. 3		
174	(Mar. 9 (Feb. 11	Mar. 3	Mar. 10 Mar. 5	(Be Concurred In-3/5)			(Mar. 10--WITHOUT RECOMMENDATION)	AMENDED	
176	Feb. 2	Mar. 5	Mar. 8				Mar. 8		
184	Feb. 17	Mar. 8	Mar. 8				Mar. 8		
219	Feb. 8 Mar. 10	Mar. 8	Mar. 8				Mar. 8 (AMENDED) Mar. 15	"	
227	Feb. 8	Mar. 10	Mar. 15				Mar. 15		
236	Feb. 8	Mar. 10	Mar. 17				Mar. 17 (AMENDED)		
286	Mar. 2	Mar. 29	Mar. 31				Mar. 31--WITHOUT RECOMMENDATION		
294	April 6	------	Apr. 6	(to Local Govt.)				AMENDED	
298	Feb. 16	Mar. 10	Mar. 28				Mar. 28--WIHOUT RECOMMENDATION		
300	Mar. 5	Mar. 19	Mar. 19				Mar. 19	AMENDED	
307	Mar. 2	Mar. 22	Mar. 22				Mar. 22		
318	Feb. 17	Mar. 22	Mar. 22				Mar. 28		
330 338	Feb. 10 Mar. 21	Mar. 12 Mar. 26	Mar. 17 Mar. 28				Mar. 17 (AMENDED) Mar. 28		
360	Mar. 2	Mar. 19	Mar. 25				Mar. 25 (AMENDED)		
408	Feb. 17	Mar. 17	Mar. 17				Mar. 17		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

011

BILL NO. 330

INTRODUCED BY Vincent Lynch

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROGRAM OF SUBSIDIES FOR THE ADOPTION OF HARD-TO-PLACE CHILDREN; AND REPEALING SECTIONS 71-1801 THROUGH 71-1805, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This act may be cited as "The Subsidized Adoption Act of 1977".

Section 2. Purpose. The purpose of this act is to encourage and promote the adoption of children who are hard to place by providing information and assistance in completing the adoption process and financial assistance when necessary to ensure the health and welfare of the hard-to-place child.

Section 3. Definitions. As used in this chapter, the following definitions apply:

(1) "Department" means the department of social and rehabilitation services.

(2) "Hard-to-place child" means a minor as defined by 64-101, who is a dependent of a public or voluntary licensed child-placing agency, legally free for adoption, and is not likely to be adopted because of:

(a) physical or mental disease or disability;

(b) recognized high risk of physical or mental disease or disability; or

(c) sibling relationship to another child who is eligible for adoption.

Section 4. Power and duties of the department. (1) The department shall establish, administer, and regulate a continuing program of subsidized adoption.

(2) The department shall keep such records as are necessary to evaluate the program in terms of the number of children adopted under the program, the cost of the program, and any other pertinent information.

(3) The department may adopt rules necessary for the proper administration of this act.

Section 5. Certification and eligibility. (1) Whenever the conditions of [section 3] are found to exist and the foster parents seek to adopt the child, the child shall be certified as hard to place.

(2) In all other cases in which the conditions of [section 3] are found to exist and after reasonable efforts have been made and no appropriate adoptive family without the use of subsidy has been found for a child, the department shall certify the child as hard to place.

(3) If the child is the dependent of a voluntary

licensed child-placing agency, that agency shall present to the department evidence of inability to place the child for adoption due to any of the conditions specified in [section 3]. The agency shall present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of potential parents, use of adoption resource exchanges, and referral to appropriate specialized adoption agencies. Upon such a showing, the department shall certify the child as hard to place.

(4) Any family which applies for an adoption subsidy and which is approved by the department as a suitable adoptive family and which is or may be financially unable to meet the special needs of a hard-to-place child as determined by the department and which adopts a hard-to-place child is eligible for subsidy regardless of the domicile or residence of the family at the time of application for adoption, placement, legal decree of adoption, or thereafter.

Section 6. Subsidy agreement. (1) When parents are approved for adoption of a child certified as hard to place and before the final decree of adoption is issued, there shall be a written agreement between the family entering into the subsidized adoption and the department. The terms of the adoption subsidy agreement may commence with the adoption placement or at an appropriate time after the

adoption decree.

(2) The amount and duration and scope of the subsidy may vary with the special needs of the child as well as the availability of other resources, including those of the adoptive parents, to meet these needs. The subsidy may be for services only or for the money payments, but in no case may the amount of the subsidy exceed that which would be allowable for such child under foster family care or, in the case of a medical service, the reasonable fee for the service rendered. The subsidy agreement shall continue in accordance with its terms for as long as the adopted child is the legal dependent of the adoptive parents and the child's condition continues or until the child reaches majority, except that, in the absence of other appropriate resources provided by law and in accordance with rules adopted by the department, it may be continued after the adopted child reaches majority. Termination or modification of the subsidy agreement may be requested by the adoptive parents or the department at any time.

(3) When subsidies are for more than 1 year, the adoptive parents shall present an annual sworn certificate that the adopted child remains under their care and the condition that caused the child to be certified continues to exist.

(4) All records regarding subsidized adoption shall be

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confidential and may be disclosed only in accordance with the provisions of 61-209.

Section 7. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

Section 8. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Repealer. Sections 71-1801 through 71-1805, R.C.M. 1947, are repealed.

-End-

EXHIBIT 4
DATE 1-29-01
SB

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 12, 1977

The twenty-fifth meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Saturday, March 12, at approximately 11:00 A.M.

ROLL CALL: All members were present with the exception of Senator Lee who was excused for State business.

CONSIDERATION OF HOUSE BILL 330: Representative Kessler was introduced by Chairman Stephens and then proceeded to explain his bill to the Committee. HB330, sponsored by Kessler at the request of the Department of Social and Rehabilitation Services, will provide a State subsidy to families who adopt hard to place (see definition page 2, lines 2-6) children. Should a child be handicapped, or face the real possibility of a handicap, the State will provide a subsidy (maximum $2,600) for medical expenses incurred as a result of that handicap. Or, in the case of a sibling group, where a family would like to have the children but could not afford the financial burden of taking all of the children, the State would assist them financially (which could be done either in a lump sum or spread out). The sponsor said the State is already picking up the tab on these children, either through foster home care or in institutions - this legislation would provide a stable home life for the children and could reduce the total paid out by the State for hard to place youngsters.

Pat Melby, Director of the Social and Rehabilitation Services, testified in support of the bill, saying the funds for the children were included in the executive budget and a fiscal allowance was made. There was some concern, however, over the program's limitations - Melby said it was apparent that the limitation would be set by the funds themselves. But to alleviate those concerns, the Director proposed an amendment on page 5, following line 2: "The Department may not expend or obligate funds for the purposes of subsidized adoption in excess of those specifically appropriated for that purpose." (Mr. Taylor will submit that amendment to the Committee's approval March 15th.)

Norma Cutone of the SRS spoke next. She testified they currently have about 70 children that could be placed out for adoption but they don't have a subsidized program that is workable. Cutone supports the bill.

Pat Pomroy, of Foster Parents-Adoptive Parents, said she supports the testimony of those speaking in support of HB330.

Gil Alexander, of Foster Parents-Adoptive Parents, supports the bill because it would provide some amount of permanentcy for those handicapped children. He felt this would cost the State less money than is currently being spent. Alexander said this bill is for the children who cannot speak for themselves.

Alan Rainey, of Foster Parents-Adoptive Parents, said he has three children that would be classified as hard to place in his home. He said he does not know of anyone who could afford their problems.

Jeanette Mattfeldt, also of Foster Parents-Adoptive Parents, supports the bill - she feels the financial help is sorely needed.

Ken Rohyans of Progress, Inc. and AIDS, supports the bill - Mr. Rohyans said he and his wife are foster parents of a small child who would be classified as hard to place. The financial problems involved with adopting a child such as they have in their home would be monumental.

There were no opponents to this proposed legislation.

Questions followed from the Committee covering the problems of where the money would come from, how much--to the family with the physically/mentally handicapped child or to the family with the sibling group. Points brought out in these questions were:

1.) This is not to pay people to adopt these children.
2.) There will be no subsidy if there is no medical expense to the family as a result of that hard-to-place child's handicap.
3.) There is a review currently underway in Congress on this same program, on a federal basis.
4.) If a foster child, who is classified a hard to place child, is adopted, the payments for the child which were made when he was a foster child, are stopped. It is not the intent to provide funds for the rearing of the child, only for the medical problems the youngster may endure. Even this amount is limited.

5.) In the case of the sibling group which should not be split up among different adoptive parents, the State would help compensate a couple who would be willing to open their home to the whole group.

6.) The request through this bill is to commit $26,000 per year of general funds to support this program.

7.) As to how many adoptions this would help subsidize at this time, the answer was 40 children.

8.) The answer was affirmative when it was asked if these children are now covered by Medicaid; Medicaid would cease for these children when adoption occurs.

9.) The child would be covered by this subsidy to his parents until the age of majority - in extreme cases, however, this subsidy would possibly continue the handicapped person's lifetime.

10.) The average amount foster parents now receive for a child to the age of 12 years is $125 months - $150 through 18 years of age.

11.) Twenty-six states, as of last year, had legislation similar to this.

12.) To Senator Norman's question about the $26,000 yearly for this program, the observation was that that amount certainly would not be much to run the program.

13.) There might possibly be a few children in State institutions (no survey has yet been conducted) who would be classified as adoptive under this program.

14.) The state of Washington did a survey concerning the amount of funds involved in this program versus the funds supporting the same children in foster homes and institutions - that state found the payments lower for the adoptive situation.

The hearing was concluded on this bill, with NO ACTION being taken. Mr. Melby was asked to get some figures together regarding the Department's budget and present them to the Committee before the next Committee meeting.

CONSIDERATION OF HOUSE BILL 772: Chairman Stephens turned the meeting over to Representative Dussault. The sponsor of HB772 explained her bill as one which would amend a current law which govern the Montana Developmental Disabilities Services. This proposed legislation makes a number of amendments to the Montana Developmental Disabilities Services and FAcilities Act of 1974. What Ms. Dussault decided to do was to put all these amendments into one bill rather than bring them to the legislature piecemeal. The sponsor then went through the bill, section by section, to tell Committee members what was done to the current law. Follow-

R O L L C A L L

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 2/

	NAME:	PRESENT:	ABSENT:	EXCUSED:	
1.	LEE, Robert			Ab.	LEE
2.	RASMUSSEN, Tom	✓			RASMU
3.	OLSON, Stuart	✓			OLSON
4.	HIMSL, Matt	✓			HIMSL
5.	WATT, Robert	✓			WATT
6.	ROBERTS, Joe	✓			ROBER
7.	NORMAN, Bill, V. Chm.	✓			NORMA
8.	STEPHENS, Stan, Chairman	✓			STEPH

TESTIFYING

NAME: (Please leave any prepared statement with Secretary)	REPRESENTING:	ON BILL #	SUPPORT, OPPOSE OR AMEND?
Ken Nabyance	PROGRESS. INC. HIDE	772	Sup w amend
Lorna Cotton	SRS	HB330	Support
Gail Schaefer	Foster Parent-Adoptive Parent	HB330	Support
Lee Tierney	Foster Parents/Adopt P.	HB330	Support
Lee Tierney	Foster Parent	HB-330	Support
Pat Melby	SRS	HB 330	Support
Pat Melby	SRS	H.B. 772	Support
Barb Kuehl	Leg.	H 330	Support
Peggy Mansfeldt	Foster Parent	HB-330	Support
Shawn Mezger	Mont. Nurses Assoc.	HB 772	Support
John W Bartlett	Board of Health	HB772	Support.
Diane Willis			

DATE

COMMITTEE ON Public Health BILL NO.

VISITOR'S RECISTER

NAME	REPRESENTING	Check One: Support	Oppose
Geo Kakyanu	self		
Gertrude Macone	Board of Nursing		
Barbara Harris	Montana Nurses' Assn.		
Madelyn Dameron	" " "		
Donna Small	" " "		
Dee Ann Dugan	" " "		
Peter Gotthardt	Advocates for Young Citizens Co.		
Mari Bryan	M.N.A.		
Lucy Pitt	M.N.A.		
Evelyn Robbins	M.N.A		
[illegible]	Legislative aide		
Dr. Jim R Kessler	Billerings.		
John Wells	MARC	✓	
Tom Degnan	Cascade, Lewis, Powell Presidents Montana Association of Rehabilitation Facilities	772 with Amendments	
Robert L Hall			

020

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 15, 1977

The twenty-sixth meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Tuesday, March 15, at approximately 11:00 A.M.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 805: In the absence of the sponsor of this bill, Chairman Stephens turned the Committee hearing over to Representative Eudaily, who explained the bill. The Representative said this bill and HJR73 were the result of work done on the House side, in Committee, on HB381. House Bill 805 is a Committee Bill - it takes the existing law, which deals only in prohibition of sexual material, and adds offensive violence to it. Mr. Eudaily said this bill is aimed primarily at previews shown along with children's ("G" rated) movies. The Representative said this is just a decency bill.

Gladys M. Vance, Montana State P.T.A. president, spoke in support of the bill, saying that, in her town of Missoula, they have tried to work with theatre owners through ordinances. The P.T.A. is concerned because of the increase in "R" and "X" rated material. Because this material seems to be on the rise, P.T.A. groups have started working toward a reasonable solution for both sides. Mrs. Vance said, "We are ready to accept the responsibility that comes with the passing of this bill".

Maxine Lone, of the P.T.A. in Missoula, supports this bill. In her testimony, she brought out the fact that movie theatres are supported in Missoula through their summer movie passes for community children; this year a pass can be purchased for parents and the children. Mrs. Lone then gave an example of a P.T.A.-supported movie, "Joe Panther," which was shown in her town a few days ago. Following that movie, the theatre owner showed a preview of a movie to come which showed a person pouring a bucket of blood on a child. This sort of combination, she said, is totally wrong.

Sharon Williams, of the P.T.A. - District III president, testified next. Mrs. Williams said, when the above situation occurred, and parents called the theatre owner to complain, the preview was taken out - they have a good rapport with the theatre owners.

CONSIDERATION OF HOUSE JOINT RESOLUTION 73: Representative Menahan explained this Joint Resolution to the Committee by saying there is an existing law covering theater owners, however the House Public Health Committee put this Resolution in to urge the county attorneys to check out complaints on theaters and to follow through with arrests or whatever is necessary.

Representative Eudaily said this Resolution is a companion bill with HB805 and the two together should do the job.

Gladys M. Vance again testified, and as for House Bill 805, she supports HJR73.

William L. Romine testified in support of this Resolution.

Questions from the Committee established that the sponsor really needs both HB805 and HJR73 passed together to get the issue resolved; there would not be anything in the law on violent previews if this legislation is not passed; the green trailers have been edited and are generally cleaner than the red.

Hearing was concluded on HOUSE JOINT RESOLUTION, with NO ACTION being taken at this time.

ACTION ON HOUSE BILL 219: This bill was re-referred to the Senate Public Health Committee by a floor motion on the part of Senator Olson. Senator Olson told the Committee he changed his mind and did not wish to re-consider the bill - the Committee then passed it out by a 4 to 3 vote (Senator Roberts abstained) following Senaor Lee's motion that HB219 BE CONCURRED IN. (Senator Lee will carry on the Senate floor.)

ACTION ON HOUSE BILL 227: Senator Roberts moved HB227 BE CONCURRED IN -- the vote was unanimous.

CONSIDERATION OF HOUSE BILL 236: After a lengthy discussion and an amendment (See Exhibit "D") the Committee Secretary was asked to invite witnesses Sloullin and Lackman back to the Committee Thursday. The Committee will re-consider this bill for the third time Thursday.

CONSIDERATION OF HOUSE BILL 330: Senator Watt moved the amendment proposed by Mr. Melby (Department of Social and Rehabilitation Services) - motion carried on a voice vote. Further discussion disclosed what the Committee thought was a discrepancy in the bill and the testimony. In order to clear the matter up, Committee Secretary Allen was instructed to ask Mr. Melby back for Thursday's Committee meeting. The Committee will act on this bill at that time.

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting at 12:30 P.M.

022

E X H I B I T "E"

SUGGESTED AMENDMENTS TO HB 330

(PAT MELBY)

1. Amend page 5, section 6, line 3.
Following: line 2
Insert: "Section 7. Subsidized adoption program limited. In providing for the subsidization of adoption as provided for in this act, the department may not expend or otherwise obligate funds in excess of those specifically appropriated for that purpose."
Renumber: subsequent sections

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 3/15

	NAME:	PRESENT:	ABSENT:	EXCUSED:	
1.	LEE, Robert	√			LEE
2.	RASMUSSEN, Tom	√			RASMU
3.	OLSON, Stuart	√			OLSON
4.	HIMSL, Matt	√			HIMSL
5.	WATT, Robert	√			WATT
6.	ROBERTS, Joe				ROBER
7.	NORMAN, Bill, V. Chm.				NORMA
8.	STEPHENS, Stan, Chairman	√			STEPH

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 17, 1977

The twenty-seventh meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Thursday, March 17, at approximately 11:15 A.M.

ROLL CALL: All members were present, with the exception of Senator Lee.

CONSIDERATION OF HOUSE BILL 408: Chairman Stephens introduced Representative Quilici to the Committee and turned the meeting over to him. Representative Quilici explained his bill to the Committee, saying an audit of the medical examiners board recommended legislation similar to HB408. The Representative gave the Committee a copy of the audit report to peruse. This proposed legislation would make it mandatory for licensed physicians, professional standards review organization, and the Montana medical association or any component society to report any physician who appears to be: (a) medically incompetent, (b) mentally or physically unable to safely engage in the practice of medicine; or (c) guilty of unprofessional conduct. Individuals may report a physician for any of the above reasons. HB408 is one of several bills which were introduced to help physicians police themselves - it requires certain conduct be reported to the Board. Immunity is given to those who report. In some cases, suspension of license may result for failure to report a physician. The main purpose of this bill is to help physicians to police themselves.

There was one witness, Mr. J. T. Loendorf, representing the Montana Medical Association, who supported the bill.

Questions from the Committee dealt with whether this bill would have anything to do with any action of the Board of Medical Examiners (answer was negative); how the Board presently conducts investigations on complaints; who does the investigating for the Board (Board hires a physician who is a peer, possibly even one or two more if the situation is grave - that physician/physicians then investigate complaint. The law now says Board can call the doctor in and see what his side is); whether a physician must report another (yes); what the hospitals' obligations are in reporting was also explained.

The hearing was concluded.

Vernon Sloulin, Chief, Food and Consumer Safety Bureau of the Department of Health and Environmental Sciences, testified that they would not and, in fact, had brought an amendment along that would take care of that very thing. (The Committee, however, had their own amendment already incorporated into the bill by action taken March 15th). When Department heads were asked if they knew how much increased revenue the State would realize by passing this bill, Dr. Lackman answered negatively. The point was made that some of the State Laboratory services are used now by private practitioners - this bill would allow the State to charge for Lab services. Also, federal funds have dried up for this program so the State is asking the Legislature for money to compensate for that loss. When asked if this money could not be spent in other areas that would be more beneficial, Dr. Lackman responded this is an issue that has been heatedly debated but he is of the opinion that the State needs to provide this service for the public health. The money asked for would not be used to buy equipment, according to Lackman, but to conduct the program, i.e., to pay for supplies, employees' salaries, etc.

Questioning and discussion on HB236 was concluded.

Later in the meeting, Senator Rasmussen moved HOUSE BILL 236, AS AMENDED, BE CONCURRED IN. 5 Senators voted yes, 1 no, 2 absent - MOTION CARRIED. (Senator Rasmussen will carry on Senate floor.)

ACTION ON HOUSE BILL 330: Pat Melby, Director of Social and Rehabilitation Services, spoke again on this bill - attempting to clear up all questions arising in Committee meeting of March 15 when the members decided to ask Mr. Melby back. First off, he corrected his figures on the yearly budget figure of $26,000 - $43,000 is budgeted for 1978 and $92,450 for the following year. Mr. Melby said he also shared the concerns of the Committee on this bill so he submitted amendments for the problem areas. Melby suggested the bill's problems may have arisen from the fact that it is a form of a model act which covered broader groups of children. Questions were asked regarding exactly when a subsidy, either for a handicapped child or for sibling groups, would cease - and whether any of these children would still receive the foster care payment after adoption (negative). Also, the $2,600 would only be spent on a child for medical costs, if any incurred, for that specific malady which put him in the category of "hard to place". When the State negotiates an agreement with the adoptive family, it is in cases only of: 1) child is termed "hard to place" because of a specific medical/emotional handicap; and 2) sibling group and the State then only pays for children over and above the first child, i.e., sibling group of three children, State will pay only for two of these children. Fact brought out that there are other avenues open to parents to try to secure more funds for a child who is handicapped, through both public and private services. Subcommittee studying bill did not recommend the program be funded.

Senator Watt moved amendments submitted by Mr. Melby - motion carried by a voice vote. (See Exhibit "B")

Senator Watt moved bill, AS AMENDED, BE CONCURRED IN - MOTION CARRIED on a 6 yes, 2 absent vote. (Senator Brown will carry this bill.)

ACTION ON HOUSE BILL 408: Senator Roberts moved HB408 BE CONCURRED IN - MOTION CARRIED by a vote of 6 yes, 2 absent. (Senator Stephens will carry this bill on Senate floor.)

ACTION ON HOUSE BILL 490: Senator Roberts moved HB490 BE CONCURRED IN - MOTION CARRIED by a vote of 5 yes, 1 abstain, 2 absent. (Senator Roberts will carry on Senate floor.)

ACTION ON HOUSE BILL 529: Senator Rasmussen moved HB529 BE CONCURRED IN - MOTION CARRIED by a vote of 6 yes, 2 absent. (Senator Watt will carry on Senate floor.)

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting at 12:30 P.M.

STAN STEPHENS, Chairman

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977,

Date 3/17/77 Bill No. 330 Time

NAMES:	YES	NO	
LEE, Robert	absent		LEE
RASMUSSEN, Tom	1		RASMU
OLSON, Stuart	2		OLSON
HIMSL, Matt	absent		HIMSL
WATT, Robert	3		WATT
ROBERTS, Joe	4		ROBER
NORMAN, Bill - V. Chm.	5		NORMA
STEPHENS, Stan - Chairman	6		STEPH

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: Sen. Watt moved
Be Concurred In

028

(Include enough information on motion—put with yellow copy of committee report.)

EXHIBIT "B"

STATE OF MONTANA Office of Budget and Program Planning	BUDGET MODIFICATION REQUEST JUSTIFICATION	PAGE 1 OF 2

Agency Program Identification	Agency Code	Program Code	Program Name
	6901	02	Social Services - Subsidized Adoption

Basic Purpose of the Budget Modification

This modification will enable the Department to secure adoptive placements for children who have special medical needs or those who have characteristics that make them hard to place. Subsidies will be of two basic types; medical payments to offset extraordinary medical expenses of children with congenital defects, or monetary awards to facilitate placement of hard to place children.

Medical subsidies will only be provided after the Department has assured that all other resources have been exhausted. These other resources include the adoptive parents' health insurance and programs such as Easter Seal.

Monetary subsidies will be considered on the basis of a family's financial need in adopting sibling groups. A family may be able to afford only one or two children out of a larger sibling group, and a monetary award would be used as long as the family's needs dictated. In some cases a financially poor family with a tremendous ability to parent children and provide them with the security of adoption would be assisted in an adoption. A child growing up in permanent foster care is less likely to mature into a productive adult than is an adopted child because foster parents generally maintain an emotional distance with foster children and are less willing to make a complete commitment to the child. This emotional factor can be particularly crucial in placements of adolescent or minority children.

GOAL

To secure adoptive placements for children who have special medical needs or because of emotional, minority, or sibling status are hard to place.

OBJECTIVE

To adoptively place approximately 40 children in FY 78 and an additional 6 children in FY 79 and each year thereafter.

TARGET GROUP

The Department of Social and Rehabilitation Services has permanent custody with the right to place adoptively approximately 250 children. Of these, about one-fifth includes children who because of medical conditions or emotional, minority or sibling problems make them hard to place in adoptive families.

ALTERNATIVES

One alternative is to do nothing and thus leave the majority of these children in permanent foster care. There is currently a very restrictive subsidized adoption program that is limited to children with medical problems placed into families who qualify for medical assistance. A major problem with this program beyond its restrictive scope has been the counties reluctance to participate. The current program has resulted in six placements during the last four years.

R O L L C A L L

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 3/17

	NAME:	PRESENT:	ABSENT:	EXCUSED:	
1.	LEE, Robert		✓		LEE
2.	RASMUSSEN, Tom	✓			RASM
3.	OLSON, Stuart	✓			OLSO
4.	HIMSL, Matt	✓			HIMSI
5.	WATT, Robert	✓			WATT
6.	ROBERTS, Joe	✓			ROBE
7.	NORMAN, Bill, V. Chm.	✓			NORM
8.	STEPHENS, Stan, Chairman	✓			STEP

Each day, attach to minutes

STANDING COMMITTEE REPORT

MARCH 17 19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 330

Respectfully report as follows: That HOUSE Bill No. 330

third reading bill, be amended as follows:

1. Amend page 4, section 6, line 7.
Following: "exceed"
Insert: ": (a) in the case of a sibling relationship,"

2. Amend page 4, section 6, line 8.
Following: "care"
Strike: "or,"
Insert: "; or (b)"

3. Amend page 4, section 6, line 9.
Strike: "service"
Insert: "subsidy"

4. Amend page 4, section 6, line 9.
Strike: "service"
Insert: "services"

DO PASS

031

Chairman.

STATE PUB. CO.

5. Amend page 4, section 6, line 10.
Following: "rendered"
Insert: "not to exceed the amount of $2,600 annually"

6. Amend page 6, line 10.
Following: "rendered"
Insert: "(3)"

7. Amend page 4, section 6, line 11.
Following: "terms"
Insert: "until the child reaches majority or"

8. Amend page 4, section 6, lines 13 through 14.
Following: "continues"
Strike: "or until the child reaches majority, except that, in the absence of other appropriate resources provided by law and in accordance with rules adopted by the department, it may be continued after the adopted child reaches majority"

Renumber: subsequent subsections

9. Amend page 5, section 6, line 3.
Following: line 2.
Insert: "Section 7. Subsidized adoption program limited. In providing for the subsidization of adoption as provided for in this act, the department may not expend or otherwise obligate funds in excess of those specifically appropriated for that purpose."

Renumber: subsequent sections

AND, AS SO AMENDED,
BE CONCURRED IN.

BA

STAN STEPHENS, Chairman

March 17, 1977

STANDING COMMITTEE REPORT
Senate Committee on Public Health, Welfare and Safety

That House Bill No. 330 be amended as follows:

1. Amend page 4, section 6, line 7.
Following: "exceed"
Insert: ": (a) in the case of a sibling relationship,"

2. Amend page 4, section 6, line 8.
Following: "care"
Strike: "or,"
Insert: "; or (b)"

3. Amend page 4, section 6, line 9.
Following: "medical"
Strike: "service"
Insert: "subsidy"

4. Amend page 4, section 6, line 9.
Following: "medical"
Strike: "service"
Insert: "services"

5. Amend page 4, section 6, line 10.
Following: "rendered"
Insert: "not to exceed the amount of $2,600 annually"

6. Amend page 6, line 10.
Following: "rendered"
Insert: "(3)"

7. Amend page 4, section 6, line 11.
Following: "terms"
Insert: "until the child reaches majority or"

8. Amend page 4, section 6, lines 13 through 14.
Following: "continues"
Strike: "or until the child reaches majority, except that, in the absence of other appropriate resources provided by law and in accordance with rules adopted by the department, it may be continued after the adopted child reaches majority"

Renumber: subsequent subsections

033

9. Amend page 5, section 6, line 3.
Following: line 2.
Insert: "Section 7. Subsidized adoption program limited. In providing for the subsidization of adoption as provided for in this act, the department may not expend or otherwise obligate funds in excess of those specifically appropriated for that purpose."

Renumber: subsequent sections

Reports of Standing Committees

Insert: ", and providing attorney fees to prior appropriators who object to the issuance of a water use permit whenever the permit application is denied"

2. Amend page 11.
Following: line 17
Insert: "Section 6. There is a new R.C.M. section numbered 89-884.1 that reads as follows:

'89-884.1. Recovery of attorney fees when application denied. (1) If an application for a permit is denied, the applicant shall pay the reasonable attorney fees of any prior appropriator who objected to the application and was represented by an attorney at the hearing.

(2) The amount of the fee recoverable under subsection (1) shall be determined by the department after the hearing. The department shall notify both the applicant and the objector of the amount. The award of attorney fees under subsection (1) is a final action of the department and may be appealed to the district court.

(3) If an applicant appeals a denial of a permit to the district court and the denial is sustained, the district court may award reasonable attorney fees to any prior appropriator who objected to the application and was represented by an attorney in the court action.'"
Renumber: all subsequent sections

And, as so amended, be concurred in. Report adopted.

HB 669 be concurred in. Report adopted.
HJR 54 be concurred in. Report adopted.

EDUCATION (Blaylock, Chairman):
HB 349, third reading bill, be concurred in. Report adopted.
HB 546, third reading bill, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Manning, Chairman):
HB 373 be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 472 be concurred in. Report adopted.
HJR 7, third reading bill, be amended as follows:

1. Amend title, line 9.
Following: line 8
Strike: "approval"
Insert: "notification"

2. Amend page 1, line 17.
Following: "prior"
Strike: "approval"
Insert: "notification"

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Stephens, Chairman):
HB 236, third reading bill, be amended as follows:

1. Amend page 3, section 1, line 23.
Following: "in the"
Strike: "earmarked revenue"
Insert: "general"
Following; "fund"
Strike: "for use by the department"

And, as so amended, be concurred in. Report adopted.

HB 330, third reading bill, be amended as follows:

1. Amend page 4, section 6, line 7.
Following: "exceed"
Insert: ": (a) in the case of a sibling relationship,"

2. Amend page 4, section 6, line 8.
Following: "care"
Strike: "or,"
Insert: "; or (b)"

3. Amend page 4, section 6, line 9.
Following: "medical"
Strike: "service"
Insert: "subsidy"

4. Amend page 4, section 6, line 9.
Following: "medical"
Strike: "service"
Insert: "services"

5. Amend page 4, section 6, line 10.
Following: "rendered"
Insert: "not to exceed the amount of $2,600 annually"

6. Amend page 6, section 6, line 10.
Following: "rendered"
Insert: "(3)"

7. Amend page 4, section 6, line 11.
Following: "terms"
Insert: "until the child reaches majority or"

8. Amend page 4, section 6, lines 13 through 14.
Following: "continues"
Strike: "or until the child reaches majority, except that, in the absence of other appropriate resources provided by law and in accordance with rules adopted by the department, it may be continued after the adopted child reaches majority"
Renumber:subsequent subsections

9. Amend page 5, section 6, line 3.
Following: line 2
Insert: "Section 7. Subsidized adoption program limited. In providing for the subsidization of adoption as provided for in this act, the department may not expend or otherwise obligate funds in excess of those specifically appropriated for that purpose."
Renumber: subsequent setions

And, as so amended, be concurred in. Report adopted.

HB 408 be concurred in. Report adopted.
HB 490 be concurred in. Report adopted.
HB 529 be concurred in. Report adopted.

STATE ADMINISTRATION (Towe, Chairman):
HB 68, third reading bill, be amended as follows:

1. Amend page 1, section 1, line 25.
Following: "to"
Insert: "and no further than one-half mile from"

034

Absent or not voting: Galt.
Total 1

At the request of the President, and without objection, the Senat verted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Graham in the Chair. Committee arose.

Senate resumed. President McOmber in the Chair.

Mr. President: We, your Committee of the Whole, having had u consideration business on Second Reading, recommend as follows:

That Senate Bill No. 167 be amended as follows:

1. Amend page 2, section 1, line 1.
Following: "costs,"
Insert: "less grants received"

2. Amend page 2, section 1, line 5.
Following: "costs,"
Insert: "less grants received"

3. Amend page 3, section 2, line 11.
Following: "costs,"
Insert: "less grants received"

4. Amend page 3, section 2, line 15.
Following: "costs,"
Insert: "less grants received"

5. Amend page 5, section 3, line 3.
Following: "system"
Insert: "less amounts of grants received"

And, as so amended, do pass. Opposed by Bergren, Dover, Flynn, G McOmber, Mathers, Murray, Olson, Turnage.

That House Bill No. 68 follow House Amendments to Senate Bill 357. Unanimously passed.

That House Bill No. 95 be concurred in. Unanimously concurred in.

That no action was taken on House Bill No. 443.

That House Bill No. 175 be concurred in. Unanimously concurred in.

That House Bill No. 236 be concurred in. Unanimously concurred in.

That the Committee rise and report, and beg leave to sit ag (Graham, Chairman)

Upon motion of Senator Graham, duly carried, the foregoing Repor the Committee of the Whole was adopted.

Senate recessed at 2:48 p.m.

Senate resumed at 3:02 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Graham in the Chair. Committee arose.

Senate resumed. President McOmber in the Chair.

Mr. President: We, your Committee of the Whole, having had under nsideration business on Second Reading, recommend as follows:

That House Bill No. 330 be concurred in. Unanimously concurred in.

That House Bill No. 349 be concurred in. Unanimously concurred in.

That House Bill No. 373 be concurred in. Unanimously concurred in.

That House Bill No. 408 be concurred in. Unanimously concurred in.

That House Bill No. 472 be concurred in. Unanimously concurred in.

That House Bill No. 490 follow House Bill No. 68. Unanimously passed.

That House Bill No. 529 be concurred in. Unanimously concurred in.

That House Bill No. 546 be concurred in. Unanimously concurred in.

That House Bill No. 551 be concurred in. Unanimously concurred in.

That House Bill No. 583 be concurred in. Unanimously concurred in.

That consideration of House Bill No. 664 be passed. Unanimously passed.

That House Bill No. 669 be concurred in. Unanimously concurred in.

That the Committee rise and report. (Graham, Chairman)

Upon motion of Senator Graham, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate re verted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 16 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 42 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 64 introduced by me and find the same to be correct. (Murphy)

I have examined Senate Bill No. 70 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 78 introduced by me and find the same to be correct. (Boylan)

I have examined Senate Bill No. 113 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 140 introduced by me and find the same to be correct. (Lee)

BILLS (Warden, Chairman)
Correctly enrolled - SB 16, SB 42, SB 64, SB 70, SB 78, SB 113, SB 140. Report adopted.

The Senate will please take note that the President will sign the following bills at the hour of adjournment, March 19, 1977:

035

Strike: "raise"
Insert: "allow the legislature or the people by initiative to establis

2. Amend title, lines 10 and 11.
Following: "beverages"
Strike: "to nineteen"

3. Amend page 1, section 1, lines 17 through 20.
Following: "that"
Strike: lines 17 through 20 in their entirety
Insert: "the legislature or the people by initiative may establish a legal age for consuming or possessing alcoholic beverages."

4. Amend page 2, section 3, line 4.
Following: "(raise)"
Strike: "raising"
Insert: "allowing the legislature or the people to establish"

5. Amend page 2, section 3, line 5.
Following: "age"
Strike: "to 19"

6. Amend page 2, section 3, line 6.
Following: "against"
Strike: "raising"
Insert: "allowing the legislature or the people to establish"
Following: "age"
Strike: "to 19"

(Material in parentheses denotes cancelled type.)

And, as so amended, be concurred in. Report adopted.

HB 71 be concurred in. Report adopted.
HB 758 be concurred in. Report adopted.
HJR 2 be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the followin roll call vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe McCallum, Manley, Manning, Mathers, Murphy, Murray, Nelson Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith R. Smith, Stephens, Story, Thiessen, Turnage, Watt, Mr. President.
Total 46

Noes: Thomas, Towe.
Total 2

Excused: Mehrens, Warden.
Total 2

Absent or not voting: None.
Total 0

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 760 be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aber, Bergren, Boylan, Brown, Devine, Dover, Dunkle, Etchart,

Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Lee, Lensink, Lowe, McCallum, Manley, Manning, Mathers, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thomas, Towe, Turnage, Watt, Mr. President.
Total 44

Noes: Kolstad, Lockrem, Thiessen.
Total 3

Excused: Mehrens, Warden.
Total 2

Absent or not voting: Blaylock.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was this day in Committee of the Whole, not concurred in, report adopted, and the bill is herewith returned to the Senate:

Senate Bill No. 189 introduced by Jergeson, Kolstad, Bergren, Hager.

The House acceded to the request of the Senate, dated March 18, 1977, and authorized the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on Senate Joint Resolution No. 3.

The Speaker appointed the following members:

Representative R. Baeth, Chairman
Representative Staigmiller
Representative Barrett

MOTIONS

Upon motion of Senator Murphy, duly carried, that House Bill No. 330 be taken from the Committee on Bills and be rereferred to Second Reading, Tuesday, March 22.

Upon motion of Senator R. Smith, duly carried, that House Bill No. 650 be taken from Second Reading and be rereferred to the Committee on Highways and Transportation.

Upon motion of Senator Turnage, duly carried, that House Bill No. 721 be taken from the Committee on Bills and be rereferred to the Committee on Judiciary.

FIRST READING OF BILLS

The following bills were introduced, read first time and referred to committee:

SB 446, introduced by Committee on Taxation (Mathers, Chairman). Referred to Committee on Taxation.
SJR 44, introduced by Towe, Murphy, Watt, Manning, R. Smith, Regan, Brown, Turnage, McOmber, Fasbender, Jergeson. Referred to Committee on Agriculture, Livestock, and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Thiessen in the Chair. Committee arose.

Senate resumed. President McOmber in the Chair.

036

March 22, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 330 be amended as follows:

1. Amend amendment No. 4.
Strike: amendment No.4 in its entirety
Insert: "4. Amend page 4, section 6, line 10.
Following: line 9
Strike: "service"
Insert: "services""

2. Amend amendment No. 6.
Strike: amendment No. 6 in its entirety
Insert: "6. Amend page 4, section 6, line 11.
Following: "rendered."
Insert: "(3)""

Total 2

Absent or not voting: Towe.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Stephens in the Chair. Committee arose.

Senate resumed. President McOmber in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 68 be amended as follows:

1. Amend page 16, section 14, lines 4 and 5.
Following: "appropriate"
Strike: "from the general fund of the county not to exceed (fifteen thousand dollars ()$15,000()) per year"
Insert: "funds"

2. Amend page 16, section 14, lines 7 and 8.
Following: "wages"
Strike: "to skilled operators of heavy mechanized equipment"

(Material in parentheses denotes cancelled type.)

And, as so amended, be concurred in. Unanimously concurred in.

That House Bill No. 587 be amended as follows:

1. Amend page 2, section 1, lines 3 through 5.
Following: line 2
Strike: subsection 3 in its entirety

And, as so amended, be indefinitely postponed. Opposed by Devine, Dover, Dunkle, Galt, Goodover, Hager, Healy, Himsl, Jergeson, Kolstad, Lee, Lowe, Mathers, Mehrens, Norman, Peterson, Rasmussen, Roskie, E. Smith. R. Smith, Story, Thomas, Watt.

That consideration of Senate Bill No. 211 be passed. Opposed by Bergren, Dunkle, Galt, Goodover, Himsl, Kolstad, Lockrem, Lowe, Nelson, Roskie.

That House Bill No. 443 be amended as follows:

1. Amend page 2, section 1, line 11.
Following: "(teacher.)"
Strike: "Any"
Insert: "A nontenure teacher who receives a notice of termination or nonrenewal is entitled to a personal interview with the district superintendent and the board of trustees concerning the reason for termination of his services. In addition, a"

(Material in parentheses denotes cancelled type.)

(Amendment opposed by Bergren, Boylan, Devine, Dover, Flynn, Galt, Goodover, Himsl, Lockrem, McOmber, Manley, Murphy, Nelson, E. Smith, Thiessen.)

2. Amend page 2, section 1, lines 11 through 16.

Following: "Any"
Strike: lines 11 through 16 in their entirety

3. Amend Committee of the Whole Amendment No. 1 dated 3/22, insertion paragraph, line 4.
Following: "services."
Strike: "In addition, a"

(Amendments 2 and 3 opposed by Blaylock, Brown, Dunkle, Fasbender, Healy, Jergeson, Kolstad, Lee, Mehrens, Murray, Norman, Peterson, Rasmussen, Regan, Roberts, R. Smith, Thomas, Towe, Turnage, Watt.)

And, as so amended, be indefinitely postponed. Opposed by Blaylock, Brown, Devine, Dover, Dunkle, Fasbender, Hazelbaker, Healy, Jergeson, Lee, Manning, Mehrens, Murray, Norman, Peterson, Rasmussen, Regan, Roberts, R. Smith, Thomas, Towe, Turnage, Watt.

That Senate Resolution No. 4 be adopted. Unanimously adopted.

That House Bill No. 5 be concurred in. Unanimously concurred in.

That House Bill No. 63 be concurred in. Unanimously concurred in.

That House Bill No. 108 be concurred in. Unanimously concurred in.

That House Bill No. 260 be concurred in. Unanimously concurred in.

That consideration of House Bill No. 263 be passed. Unanimously passed.

That House Bill No. 300 be concurred in. Unanimously concurred in.

That House Bill No. 330 be amended as follows:

1. Amend amendment no. 4.
Strike: amendment no. 4 in its entirety
Insert: 4. Amend page 4, section 6, line 10.
Following: line 9
Strike: "service"
Insert: "services"

2. Amend amendment no. 6.
Strike: amendment no. 6 in its entirety
Insert: 6. Amend page 4, section 6, line 11.
Following: "rendered."
Insert: "(3)"

And, as so amended, be concurred in. Unanimously concurred in.

That House Bill No. 363 be concurred in. Unanimously concurred in.

That House Bill No. 371 be concurred in. Unanimously concurred in.

That House Bill No. 437 be concurred in. Unanimously concurred in.

That House Bill No. 533 be concurred in. Unanimously concurred in.

That House Bill No. 565 be concurred in. Unanimously concurred in.

That House Bill No. 623 be concurred in. Unanimously concurred in.

That House Bill No. 637 be concurred in. Unanimously concurred in.

That House Bill No. 641 be concurred in. Unanimously concurred in.

That House Bill No. 645 be concurred in. Unanimously concurred in.

Absent or not voting: Hazelbaker, Thomas.
Total 2

House Bill No. 71 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dun
Etchart, Fasbender, Flynn, Galt, Goodover, Hager, Hazelbaker, H
Himsl, Jergeson, Lee, Lensink, Lockrem, Lowe, McCallum, Ma
Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, O
Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Sm
Stephens, Story, Thiessen, Towe, Turnage, Warden, Watt, Mr. Presiden
Total 47

Noes: None.
Total 0

Excused: Graham, Kolstad.
Total 2

Absent or not voting: Thomas.
Total 1

House Bill No. 108 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dun
Etchart, Fasbender, Flynn, Galt, Goodover, Hager, Hazelbaker, H
Himsl, Jergeson, Lee, Lensink, Lockrem, Lowe, McCallum, Ma
Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, O
Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Sm
Stephens, Story, Thiessen, Towe, Turnage, Warden, Watt, Mr. Presiden
Total 47

Noes: None.
Total 0

Excused: Graham, Kolstad.
Total 2

Absent or not voting: Thomas.
Total 1

House Bill No. 260 was concurred in by the following vote:

Ayes: Aber, Bergren, Brown, Devine, Dover, Etchart, Fasbender, Fly
Galt, Hager, Hazelbaker, Himsl, Jergeson, Kolstad, Lee, Lens
Lockrem, Lowe, McCallum, Manning, Mathers, Murray, Nelson, Norm
Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, Steph
Story, Thiessen, Thomas, Towe, Turnage, Warden, Watt, Mr. President
Total 40

Noes: Blaylock, Boylan, Dunkle, Goodover, Healy, Manley, Mehr
Murphy, R. Smith.
Total 9

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Dunkle, no.)

House Bill No. 300 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunk

3rd Reading

Etchart, Fasbender, Flynn, Galt, Goodover, Hager, Hazelbaker, Healy, Himsl, Jergeson, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Warden, Watt, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham, Kolstad.
Total 2

Absent or not voting: Roberts.
Total 1

House Bill No. 330 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Hager, Hazelbaker, Healy, Himsl, Jergeson, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Warden, Watt, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Kolstad.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 363 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Hager, Hazelbaker, Healy, Himsl, Jergeson, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Warden, Watt, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Kolstad.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 371 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Hager, Hazelbaker, Healy, Himsl, Jergeson, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Graham, Kolstad.

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2nd Reading - Committee of Whole

That SA to HB 5 be concurred in. (90-1)

That SA to HB 29 be concurred in. (50-44)

That SA to HB 68 be concurred in. (84-0)

That SA to HB 70 be not concurred in. (88-1)

That SA to HB 90 be not concurred in. (83-3)

That SA to HB 147 be concurred in. (87-0)

That SA to HB 151 be concurred in. (88-1)

That SA to HB 159 be concurred in. (83-5)

That SA to HB 164 be concurred in. (78-12)

That SA to HB 177 be concurred in. (89-2)

That SA to HB 197 be concurred in. (83-4)

That SA to HB 217 be concurred in. (83-6)

That SA to HB 239 be passed for the day.

That SA to HB 245 be not concurred in. (63-23)

That SA to HB 247 be concurred in. (83-4)

That SA to HB 251 be concurred in. (82-5)

That SA to HB 263 be placed below HB 457.

That SA to HB 280 be concurred in. (80-3)

That SA to HB 286 be concurred in. (69-13)

That SA to HB 299 be passed for the day.

That SA to HB 302 be not concurred in. (84-5)

That SA to HB 318 be concurred in. (85-1)

That SA to HB 320 be concurred in. (84-0)

That SA to HB 324 be concurred in. (85-1)

That SA to HB 326 be not concurred in. (82-2)

That SA to HB 330 be concurred in. (86-0)

That SA to HB 334 be not concurred in. (89-2)

That SA to HB 356 be concurred in. (89-0)

That SA to HB 360 be concurred in. (78-10)

That SA to HB 363 be concurred in. (83-4)

That SA to HB 384 be concurred in. (84-1)

That SA to HB 389 be concurred in. (83-1)

That SA to HB 402 be concurred in. (78-4)

That SA to HB 411 be not concurred in. (83-4)

That SA to HB 415 be concurred in. (83-5)

That SA to HB 457 be concurred in. (84-0)

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That SA to HB 263 be not concurred in. (87-0)

That SA to HB 462 be not concurred in. (84-0)

That the committee rise and report and beg leave to sit again. (Kvaalen, Chairman)

Bengtson moved that Senate Amendments to HB 29 be segregated from the Committee of the Whole report and as amended be adopted. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The Conference Committee Report on House Joint Resolution No. 21 was adopted by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Conroy, Cooney, Courtney, Curtiss, Dassinger, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Meloy, Menahan, Metcalf, Meyer, Moore, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 89

Noes: Underdal.
Total 1

Excused: Brand, Davis, Gerke.
Total 3

Absent or not voting: Burnett, Colburn, Cox, Halvorson, Marks, Mular, Nathe.
Total 7

The Conference Committee Report on House Joint Resolution No. 68 was adopted by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Conroy, Cooney, Courtney, Curtiss, Dassinger, Day, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 86

Noes: Bradley, Dussault, Quilici, Vincent.
Total 4

Excused: Brand, Davis, Gerke.

Absent or not voting: Colburn, Ellison, Gould, Marks, Robbins.
Total 5

Senate Amendments to House Bill No. 318 were concurred in by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Barrett, Bengtson, Bertelsen, Bradley, Burnett, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Day, Dussault, Ellerd, Ellis, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 93

Noes: None.
Total 0

Excused: Brand, Davis, Gerke.
Total 3

Absent or not voting: Bardanouve, Colburn, Ellison, Roth.
Total 4

Senate Amendments to House Bill No. 320 were concurred in by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Burnett, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Brand, Davis, Gerke.
Total 3

Absent or not voting: Colburn, Halvorson, Roth.
Total 3

Senate Amendments to House Bill No. 324 were concurred in by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Burnett, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega,

3rd Reading

Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Brand, Davis, Gerke.
Total 3

Absent or not voting: Bradley, Colburn, Roth.
Total 3

Senate Amendments to House Bill No. 330 were concurred in by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 93

Noes: Burnett, Kenny.
Total 2

Excused: Brand, Davis, Gerke.
Total 3

Absent or not voting: Colburn, Roth.
Total 2

Senate Amendments to House Bill No. 356 were concurred in by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Burnett, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Day, Dussault, Ellerd, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Feda, Frates, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kennerly, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Menahan, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmiller, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.

HOUSE BILL NO. 330

INTRODUCED BY KESSLER, BARDANOUVE, VINCENT, FRATES, LYNCH, COONEY, KIMBLE, J. GUNDERSON, TEAGUE, PALMER

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROGRAM OF SUBSIDIES FOR THE ADOPTION OF HARD-TO-PLACE CHILDREN; AND REPEALING SECTIONS 71-1801 THROUGH 71-1805, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This act may be cited as "The Subsidized Adoption Act of 1977".

Section 2. Purpose. The purpose of this act is to encourage and promote the adoption of children who are hard to place by providing information and assistance in completing the adoption process and financial assistance when necessary to ensure the health and welfare of the hard-to-place child.

Section 3. Definitions. As used in this chapter, the following definitions apply:

(1) "Department" means the department of social and rehabilitation services.

(2) "Hard-to-place child" means a minor as defined by 64-101, who is a dependent of a public or voluntary licensed child-placing agency, legally free for adoption, and is not likely to be adopted because of:

(a) physical or mental disease or disability;

(b) recognized high risk of physical or mental disease or disability; or

(c) sibling relationship to another child who is eligible for adoption.

Section 4. Power and duties of the department. (1) The department shall establish, administer, and regulate a continuing program of subsidized adoption.

(2) The department shall keep such records as are necessary to evaluate the program in terms of the number of children adopted under the program, the cost of the program, and any other pertinent information.

(3) The department may adopt rules necessary for the proper administration of this act.

Section 5. Certification and eligibility. (1) Whenever the conditions of [section 3] are found to exist and the foster parents seek to adopt the child, the child shall be certified as hard to place.

(2) In all other cases in which the conditions of [section 3] are found to exist and after reasonable efforts have been made and no appropriate adoptive family without the use of subsidy has been found for a child, the department shall certify the child as hard to place.

(3) If the child is the dependent of a voluntary licensed child-placing agency, that agency shall present to the department evidence of inability to place the child for adoption due to any of the conditions specified in [section 3]. The agency shall present evidence that reasonable efforts have been made to place the child without subsidy, such as recruitment of potential parents, use of adoption resource exchanges, and referral to appropriate specialized adoption agencies. Upon such a showing, the department shall certify the child as hard to place.

(4) Any family which applies for an adoption subsidy and which is approved by the department as a suitable adoptive family and which is or may be financially unable to meet the special needs of a hard-to-place child as determined by the department and which adopts a hard-to-place child is eligible for subsidy regardless of the domicile or residence of the family at the time of application for adoption, placement, legal decree of adoption, or thereafter.

Section 6. Subsidy agreement. (1) When parents are approved for adoption of a child certified as hard to place and before the final decree of adoption is issued, there shall be a written agreement between the family entering into the subsidized adoption and the department. The terms of the adoption subsidy agreement may commence with the

adoption placement or at an appropriate time after the adoption decree.

(2) The amount and duration and scope of the subsidy may vary with the special needs of the child as well as the availability of other resources, including those of the adoptive parents, to meet these needs. The subsidy may be for services only or for the money payments, but in no case may the amount of the subsidy exceed: (A) IN THE CASE OF A SIBLING RELATIONSHIP, that which would be allowable for such child under foster family care ~~or~~; OR (B) in the case of a medical ~~service~~ SUBSIDY, the reasonable fee for the ~~service~~ SERVICES rendered NOT TO EXCEED THE AMOUNT OF $2,600 ANNUALLY. (3) The subsidy agreement shall continue in accordance with its terms UNTIL THE CHILD REACHES MAJORITY OR for as long as the adopted child is the legal dependent of the adoptive parents and the child's condition continues ~~or--until--the--child--reaches-majority,-except-that,-in-the absence-of-other-appropriate-resources-provided-by--law--and in--accordance--with-rules-adopted-by-the-department,-it-may be-continued--after--the--adopted--child--reaches--majority.~~ Termination or modification of the subsidy agreement may be requested by the adoptive parents or the department at any time.

(3) When subsidies are for more than 1 year, the adoptive parents shall present an annual sworn certificate

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that the adopted child remains under their care and the condition that caused the child to be certified continues to exist.

(4) All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with the provisions of 61-209.

SECTION 7. SUBSIDIZED ADOPTION PROGRAM LIMITED. IN PROVIDING FOR THE SUBSIDIZATION OF ADOPTION AS PROVIDED FOR IN THIS ACT, THE DEPARTMENT MAY NOT EXPEND OR OTHERWISE OBLIGATE FUNDS IN EXCESS OF THOSE SPECIFICALLY APPROPRIATED FOR THAT PURPOSE.

Section 8. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 10. Repealer. Sections 71-1801 through 71-1805, R.C.M. 1947, are repealed.

-End-

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